

**Haines Borough**  
**Borough Assembly Meeting #243**  
**AGENDA**

**April 9, 2013 - 6:30 p.m.**

**Location: Assembly Chambers, Public Safety Bldg.**

**Stephanie Scott,**  
Mayor

**Dave Berry Jr.,**  
Seat A  
Assembly Member

**Steve Vick,**  
Seat B  
Assembly Member

**Debra Schnabel,**  
Seat C  
Assembly Member

**Joanne Waterman,**  
Seat D  
Assembly Member

**Norman Smith,**  
Seat E  
Assembly Member

**Jerry Lapp,**  
Seat F  
Assembly Member

**Mark Earnest,**  
Borough Manager

**Julie Cozzi,**  
Borough Clerk

**Michelle Webb,**  
Deputy Clerk

**1. CALL TO ORDER/PLEDGE TO THE FLAG**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA & CONSENT AGENDA**

*[The following Consent Agenda items are indicated by an asterisk (\*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Facility Report
- 11A1 – Adoption of Resolution 13-04-451
- 11A2 – Adoption of Resolution 13-04-452
- 11A3 – Adoption of Resolution 13-04-453
- 11A4 – Adoption of Resolution 13-04-454
- 11A5 – Adoption of Resolution 13-04-455
- 11B1 – Introduction of Ordinance 13-04-322
- 11C1 – Approve Support Letter for CIA Grant Application

**\* 4. APPROVAL OF MINUTES – March 26, 2013 Regular and March 15, 2013 Special**

**5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]**

**6. MAYOR'S COMMENTS/REPORT**

**7. PUBLIC HEARINGS**

**A. Commercial Tour Permit – New for 2013**

*Viva and David Landry, Anytime Taxi & Tours, have applied for a new 2013 Commercial Tour Permit to operate a taxi service within the Haines Borough. They propose to provide taxi service within the townsite and to/from the ferry terminal and the airport. Additionally, they would like to offer tours based on Haines history and Tlingit culture. Title 5 of the borough code requires a taxi operator to get both a commercial tour permit and a commercial passenger vehicle permit. A public hearing before the Assembly is mandatory for all new taxi or tour activities. The tourism director, police chief, and harbormaster have reviewed the application and they have no objection.*  
**Suggested motion:** Authorize the borough clerk to process the Anytime Taxi & Tours application and, if everything is in order, issue a 2013 commercial tour permit.

**B. Ordinance 13-03-316 – First Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.**

*This is a housekeeping ordinance amending borough code to match the referenced state law. It was introduced on 3/26. **Motion:** Advance Ordinance 13-03-316 to a second public hearing on 4/23/13.*

**C. Ordinance 13-03-317 – First Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.10.200(B) to remove the requirement for assembly approval in order for a member to participate by teleconference and to clarify cost responsibility.**

*This is a housekeeping ordinance amending borough code to reflect actual practice. It was introduced on 3/26. **Motion:** Advance Ordinance 13-03-317 to a second public hearing on 4/23/13.*

7. PUBLIC HEARINGS ---continued---

D. **Ordinance 13-03-318** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 3, Chapter 3.33 to correct the name of the Port Chilkoot Dock Enterprise Fund.**

*This is a housekeeping ordinance amending borough code to replace an incorrect name. It was introduced on 3/26. **Motion:** Advance Ordinance 13-03-318 to a second public hearing on 4/23/13.*

E. **Ordinance 13-03-319** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.04.010 to stipulate school district budget submittal and appropriation dates.**

*The intention of this ordinance is to codify practice not to introduce new practice. AS 14.14.060(c) says unless otherwise provided by municipal ordinance, the school board shall submit the school budget for the following school year to the assembly by May 1, and within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes. However, the assembly does not adopt the annual budget until sometime the first half of June (by the 15th at the latest), and therefore does not finally determine the school appropriation until then. It was introduced on 3/26. **Motion:** Advance Ordinance 13-03-319 to a second public hearing on 4/23/13.*

F. **Ordinance 13-03-320** – First Hearing

**An Ordinance of the Haines Borough determining whether foreclosed properties deeded to the borough shall be retained for a public purpose or sold.**

*Four properties have gone through the foreclosure process and the court has conveyed all rights, titles, and interest to the Haines Borough. HBC 3.74.220 requires the borough assembly to determine by ordinance whether foreclosed property deeded to the borough should be retained for a public purpose or sold. HBC 14.20.040 says the assembly may classify lands for sale with the advice of the planning commission. During a public meeting on 3/14/13, the planning commission considered all four properties and made the decision to recommend the properties be sold. It was introduced on 3/26. **Motion:** Advance Ordinance 13-03-320 to a second public hearing on 4/23/13.*

G. **Ordinance 13-03-321** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 7, Section 7.08.010 to discontinue the Fire Service Area #1 Board.**

*This ordinance is sponsored by Assembly Member Lapp and supported by the Haines Volunteer Fire Dept. It was introduced on 3/26. **Motion:** Advance Ordinance 13-03-321 to a second public hearing on 4/23/13.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 4/9/13 Report

\* B. Chilkat Center for the Arts – March 2013 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS - none

11. NEW BUSINESS

A. Resolutions

\* 1. **Resolution 13-04-451**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with River Adventures for \$80 per hour for the operation of the 2013 Visitor Shuttle Service.**

*The visitor shuttle is primarily for cruise passengers and runs on a designated route map. Funding for the service is budgeted annually out of the Commercial Passenger Vessel Tax Fund and is currently in the FY13 budget as well as in the proposed FY14 budget. The borough issued an RFP and received one proposal from River Adventures for \$80/hour. This is the same amount paid to the previous contractor the past two seasons. **Motion:** Adopt Resolution 13-04-451.*

## 11. NEW BUSINESS

### A. Resolutions ---continued---

**\* 2. Resolution 13-04-452**

A Resolution of the Haines Borough Assembly in support of restoring certain components of Power Cost Equalization that existed prior to 1999 and including small-business rate payers in the program.

*This resolution is recommended by the Mayor. **Motion:** Adopt Resolution 13-04-452.*

**\* 3. Resolution 13-04-453**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to purchase from EMP Industries a harbor pump-out system for \$15,420.94.

*This resolution is recommended by the harbormaster and the port & harbor advisory committee. This is paid for out of designated grant funds. **Motion:** Adopt Resolution 13-04-453.*

**\* 4. Resolution 13-04-454**

A Resolution of the Haines Borough Assembly supporting efforts to modify the PERS Termination Studies law to provide municipalities with the operational flexibility to effectively manage the delivery of programs and services.

*This issue is a big priority for the Alaska Municipal League, and this resolution is recommended by the manager, mayor, and finance director. **Motion:** Adopt Resolution 13-04-454.*

**\* 5. Resolution 13-04-455**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Pacific Pile & Marine, L.P. for the Port Chilkoot Dock and Letnikof Cove Renovations project for an amount not-to-exceed \$5,804,340.00.

*This resolution is recommended by the Manager. **Motion:** Adopt Resolution 13-04-455.*

### B. Ordinances for Introduction

**\* 1. Ordinance 13-04-322**

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.

*This is a housekeeping ordinance amending borough code to change the assessment appeal deadline to be in compliance with state law. The borough is required to follow the thirty-day deadline set forth in AS 29.45.190(b) rather than the May 1st deadline in HBC 3.72.100(b). **Motion:** Introduce Ordinance 13-04-322 and set a first public hearing for 4/23/13.*

### C. Other New Business

**\* 1. Support Letter for USDA Grant for Pellet Facility – Chilkoot Indian Association**

*The borough was asked for a support letter for a CIA application to the USDA for a grant for engineering regarding a wood pellet production facility in Haines. Mayor Scott drafted a letter and seeks assembly approval. **Motion:** Approve the borough letter of support for the CIA application to the USDA for grant funding for engineering of a wood pellet production facility in Haines.*

**2. Reconsideration of 3/26/13 Motion – Great Bear Foundation (GBF) Commercial Tour**

*The following motion failed during the 3/26/13 assembly meeting: “authorize the borough clerk to process the Great Bear Foundation application and, if everything is in order, issue a 2013 commercial tour permit.” Vick, Waterman, and Lapp voted yes, and Schnabel, Smith, and Berry voted no. The mayor broke the tie in the negative, so the motion failed 3-4.*

*A member of the prevailing side, assembly member Berry, intends to ask for reconsideration. HBC 2.10.170 says, “[A] motion to reconsider requires a majority of affirmative votes and, if it prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debates on motions to reconsider shall be limited to 25 minutes and no member shall speak for more than five minutes.”*

**3. Matters Concerning the Chief of Police**

## 12. SET MEETING DATES

## 13. PUBLIC COMMENTS

## 14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

## 15. ADJOURNMENT